

BRANCH CLOSING POLICY**OVERVIEW**

Section 42 of the Federal Deposit Insurance (FDI) Act sets forth guidelines for financial institutions to notify the FDIC and its customers regarding proposals to close a branch. Financial institutions are also required to adopt policies for closings of branches.

**Examination
Objective(s)**

The objectives of this policy are to determine whether the institution is in compliance with the statutory requirements for branch closings, including those relating to the following:

- Providing prior notification of any branch closing to its appropriate Federal banking agency and customers of the branch
- Establishing internal policies for branch closings

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DEFINITION(S)**Branch**

For purposes of Section 42, a branch is considered to be a traditional brick-and-mortar branch, or any similar banking facility, at which deposits are received or checks paid or money lent.

Section 42 does not apply to the following:

- An ATM or temporary branch
- The relocation of a branch or consolidation of one or more branches into another branch, if the relocation or consolidation
 - Occurs within the immediate neighborhood; and
 - Does not substantially affect the nature of the business or customers served; or
- A branch that is closed in connection with an emergency acquisition

**EXAMINATION
PROCEDURES****Determine Compliance with Requirements for Branch Closings**

1.	Determine whether the institution has adopted a branch closing policy that ensures compliance with the Policy Statement of Board of Governors of the Federal Reserve System, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, and Office of Thrift Supervision Concerning Branch Closing Notices and Policies, regarding branch closing notices and Section 42 of the FDI Act. (42(c))
2.	Determine whether the institution's procedures for closing a branch have been followed since the latter of December 19, 1991 or the last examination in which compliance was assessed with the Policy Statement concerning branch closing notices and Section 42 of the FDI Act.
3.	<p>Determine whether the institution provided adequate notice of all branch closings to the FDIC at least 90 days prior to the proposed closing of any branch closed on or after December 19, 1991. (42(a))</p> <p><i>NOTE: The notice must include:</i></p> <ul style="list-style-type: none"> • A detailed statement of the reasons, and • Statistical or other information in support of such reasons
4.	<p>Determine that the institution provided adequate notice of the proposed closing to its customers at least 90 days prior to the proposed closing of the branch. (42(b))</p> <p>The institution must:</p> <ul style="list-style-type: none"> • Post a notice in a conspicuous manner on the premises of the proposed branch for a period of not less than 30 days ending on the date proposed for that closing, and • Include a notice in: <ul style="list-style-type: none"> – At least one regular account statement mailed to customers of the branch proposed to be closed, or – A separate mailing <p><i>NOTE: In the case of an interstate bank which proposes to close any branch in a low- or moderate-income area, the notice required shall also contain the mailing address of the FDIC and a statement that comments on the proposed closing may be mailed to the FDIC.</i></p>

**EXAMINATION
PROCEDURES
(cont'd)**

5.	Determine if the institution has in fact posted a notice to branch customers in a conspicuous manner on the branch premises at least 30 days prior to the proposed closing of any branch closed on or after December 19, 1991.
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NOTE: Also mentioned under Advertisements and Public Notices, Part III Section E of this manual.

WORKPAPER STANDARDS

Appropriate workpapers or standardized workpapers must document all findings when reviewing compliance with Section 42 and the related Policy Statement. Refer to the Examiner Summary in the Workpaper Standards Appendix in this manual.



**FDIC LAW,
REGULATIONS,
& RELATED
ACTS**

Applicable Rules

Section 42, Notice of Branch Closure, FDI Act, Volume 1, Page 1501

**Advisory
Opinions**

None

**Statements of
Policy**

Policy Statement of Board of Governors of the Federal Reserve System, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, and Office of Thrift Supervision Concerning Branch Closing Notices and Policies, Volume 2, page 5391

**DCA
MEMORANDA**

None

**FINANCIAL
INSTITUTION
LETTERS (FIL)**

None
